

STATEMENT FOR THE RECORD

**U.S. House of Representatives Energy and Commerce Subcommittee on Commerce,
Manufacturing and Trade
Hearing: "H.R. 2012, a bill to improve the integrity and safety of interstate horseracing,
and for other purposes."**

**Submitted by: Nancy Perry, Senior Vice President, Government Relations, ASPCA
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On behalf of the American Society for the Prevention of Cruelty to Animals (ASPCA) and our 2.5 million supporters nationwide, thank you for the opportunity to submit this written statement. Founded in 1866, the ASPCA was the first humane organization in the United States. Our mission, as stated by founder Henry Bergh, is “to provide effective means for the prevention of cruelty to animals throughout the United States.” The ASPCA works to rescue animals from abuse, pass humane laws, and share resources with other animal protection groups nationwide.

The ASPCA has a long history of commitment to horse welfare. Our founder’s intervention in the abuse of a horse inspired the birth of our organization and we have dedicated significant resources to that aspect of our mission. Last year, we granted \$1.8 million in aid to equine rescues and sanctuaries across the United States. Through our Rescuing Racers Initiative, we have provided more than \$1.1 million in the past three years to help retrain retired racehorses for second careers and secure good homes for their post-racing years. The ASPCA also conducts Equine Welfare Workshops: day-long professional seminars that help equine rescue and sanctuary operators improve their skill sets in four critical areas: fundraising, board development, best practices and assisting law enforcement with cruelty seizures. Additionally, we are a leader of the Homes for Horses Coalition, a national network of rescue groups dedicated to providing a safety net for horses in need.

The ASPCA submits this statement in support of H.R. 2012, the Horseracing Integrity and Safety Act. This legislation will prohibit the use of performance-enhancing drugs in horse racing, and improve the safety and integrity of the sport by designating the U.S. Anti-Doping Agency as the independent organization that will set and enforce national welfare standards for horse races that are the subject of interstate off-track wagers. Additionally, the bill will create a “one and done” lifetime ban for the most severe doping violations, and a “three strikes, you’re out” penalty for chronic violators.

The Doping Problem

Drugging of racehorses is a significant, widespread problem. *The New York Times* published a shocking exposé into the widespread doping of racehorses, [“Death and Disarray at America’s Racetracks”](#) (3/25/12), stating that “trainers experiment with anything that might give them an edge, including chemicals that bulk up pigs and cattle before slaughter, cobra venom, Viagra, blood doping agents, stimulants and cancer drugs.” Another *New York Times* article, [“Horse Racing Discovers New Drug Problem, One Linked to Frogs”](#) (6/20/12), revealed that some trainers even experiment with liquids extracted from South American frogs to give their horses an unfair advantage while racing. Dermorphin, the substance collected from these frogs, acts as a

painkilling drug 40 times more powerful than morphine. A pain-masking drug of that strength would enable horses to run despite serious injuries, putting both the horse and the jockey at risk. Sore and injured horses injected with painkillers on race day may run at full speed down the track, oblivious to pain that might otherwise be a warning to both horse and jockey. Horses who are pushed to run beyond their capacity and fitness while under artificial influence inevitably injure themselves, often irreparably, adding to the burden that rescue organizations already face as they seek homes for these deserving horses. These earnest and loyal horses push their physical limits in a sport that swiftly discards them as useless when their injuries impact earning potential. If they don't die on the track, they are typically shuttled off to auctions to likely be sold to kill buyers who in turn sell them for slaughter for human consumption overseas. The lack of strong national standards against this abuse puts young horses' lives at risk, puts their riders in harm's way, and undermines the integrity of the sport of racing itself.

Doping leads to catastrophic human and animal injuries and deaths. Although the horse racing industry has long promised to restrict the use of performance-enhancing drugs, such voluntary measures have been largely ignored. Lax or nonexistent oversight allows, and encourages, the use of any means possible—even cruel, life-threatening means—to win races. The worst offenders can easily circumvent the current patchwork of state horse racing commission rules by relocating their operations.

Enforcement Patchwork

Last year's potential for a triple crown brought to light the pervasiveness of doping in top-tier horse racing. Doug O'Neill, trainer of the 2012 Derby and Preakness-winning horse I'll Have Another, was suspended by the California Horse Racing Board due to accumulated horse doping violations. In Fall 2011, Richard Dutrow Jr., the trainer of 2008 Kentucky Derby winner Big Brown, was banned from racing in New York for 10 years. Dutrow has been sanctioned dozens of times in different states for various rule violations, including numerous violations of drug rules. Nevertheless, Dutrow had a horse running in the 2012 Preakness, one of the most prestigious horse races in the country. These trainers are not just bad apples. A review of Racing Commission International's database of drugging violations demonstrates that nearly the entire barrel is rotten – only two of the top twenty trainers in the country have no drugging violations. In an intensely competitive sport with huge purses on the line, the incentives are so strong for gaining any advantage that the current system essentially punishes the good apples.

Self-regulation by state horse racing commissions has failed to protect horses and jockeys from these abusive and deceptive drugging schemes. The pervasive pattern of abuse underscores an absolute necessity for establishing national standards in horse racing and regulation of drug use. Until a federal ban on the use of performance-enhancing drugs in racehorses is the law of the land, the lives of thousands more horses and jockeys will be at risk and horrific crashes and deaths will continue, day in and day out, at tracks nationwide.

Inevitable Abuse

When winning is the ultimate goal, any system that enables the use of shortcuts for enhanced competitiveness without repercussions can anticipate that the participants will indulge in those shortcuts. We are grateful to the trainers, veterinarians and owners who do not use doping to win, but know that they are struggling upstream and foregoing opportunities for financial gain and

glory. This fundamental unfairness drives out the honest brokers and hampers the sport of horse racing, making a farce of its winners. For the sake of the sport itself, creating a level playing field will enhance the competition and produce a much healthier atmosphere for all involved. The industry cannot be expected to make this needed change. History has demonstrated that commissions and state-by-state rules cannot overcome the pressure for purses at any price.

It is time to bring an end to this rampant abuse. The ASPCA supports passage of the **Horseracing Integrity and Safety Act, H.R. 2012**, to prohibit the use of performance-enhancing drugs in racehorses. This federal ban is necessary to empower USADA to set welfare standards applicable nationwide. National standards will end the confusion of conflicting state rules. Additionally, the bill will create a “one and done” lifetime ban for the most severe doping violations, and a “three strikes, you’re out” penalty for chronic violators. The worst offenders will no longer be able to evade punishment by navigating through a patchwork of state racing commission rules to avoid sanctions. We thank the Subcommittee for its attention to this important issue and for its consideration of this legislation. We look forward to working with the Subcommittee and the racing industry to bring this long overdue reform.